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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAM, THOMAS K

ART UNIT PAPER NUMBER

2121

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/759,204

Applicant(s)

FRIETAS ET AL.

Examiner

Thomas K. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-8 and 10-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. This action is in response to request for continued examination on 12/21/2005.
2. New claims 21-24 have been considered.
3. Claims 1 and 9 are cancelled.
4. Claims 2-8 and 10-24 are pending.

**Quotations of U.S. Code Title 35**

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claim Rejections - 35 USC § 102**

7. Claims 2-5, 9-14 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,872,926 ("Levac").

#### **Regarding claim 2**

Levac teaches A method for communicating wireless data, wherein the method comprises:

- receiving a request from a particular application to provide data to a wireless device across a wireless network identifying a type of wireless device to which the data is to be provided (see col. 7 lines 9-18);
- selecting a device profile from among a plurality of device profiles, wherein each device profile corresponds to a different type of wireless device (see col. 7 lines 22-26);
- generating a response to the request for data, wherein the response includes renderable data that is configured for one or more characteristics of the identified device (see col. 7 lined 30-36); and,
- transmitting the response across a wireless medium to the wireless device (see col. 7 lines 36-44).

#### **Regarding claim 11**

Levac teaches a system for providing data to a wireless device, wherein the system comprises:

- a server component that is configured to handle requests to provide data to one or more wireless devices (see col. 7 lines 9-18);
- a plurality of device profiles correspond to a plurality of wireless device type (see col. 6 lines 38-43);

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- a profile selector for selecting a device profile corresponding to a particular wireless device type according to a request (see col. 7 lines 22-26);
- one or more processes that execute on the system (see col. 6 line 63 to col. 7 line 8, “processes of converting messages to plurality of devices”); and,
- a transmission member for transmitting data across a wireless network (see col. 7 lines 36-44).

**Regarding claim 3**

Levac teaches receiving a request includes receiving the request for real-time data provided from a groupware (see col. 3 lines 2-14).

**Regarding claim 4**

Levac teaches receiving the request for real-time data includes receiving the request for a message to a user of the wireless device (see col. 3 lines 2-14).

**Regarding claim 5**

Levac teaches the message is an instant message (see col. 3 lines 9-16).

**Regarding claim 10**

Levac teaches receiving the request for real-time data provided from a groupware includes receiving a request for an application selected from a group of applications consisting of (i) an enterprise messaging application or set of applications, (ii) a shared calendar application, (iii) a shared contact application or list, and (iv) a shared task application or list, and (v) combinations thereof (see col. 3 lines 2-18).

**Regarding claim 12**

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Levac teaches the server component is configured to handle requests that include requests for real-time data provided from a groupware (see col. 3 lines 2-14).

**Regarding claim 13**

Levac teaches the requests for real-time data provided from the groupware include requests for messages (see col. 3 lines 2-14).

**Regarding claim 14**

Levac teaches the requests for real-time data provided from the groupware include requests for instant messages (see col. 3 lines 9-16).

**Regarding claim 19**

Levac teaches the one or more processes execute on the system to automatically detect one or more characteristics about the given wireless device (see col. 2 lines 26-35).

**Regarding claim 20**

Levac teaches the request from the given wireless device includes a request for an application selected from a group of applications consisting of (i) an enterprise messaging application or set of applications, (ii) a shared calendar application, (iii) a shared contact application or list, and (iv) a shared task application or list, and (v) combinations thereof (see col. 3 lines 2-18).

**Regarding claim 21**

Levac teaches the received request is received at a connector server (see col. 4 lines 47-56, “message server 14”), the method further comprising updating the connector server with status information (see col. 7 lines 55-63).

### **Claim Rejections - 35 USC § 103**

8. Claims 6-8, 15-18, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,872,926 ("Levac") in view of U.S. Patent No. 6,167,441 ("Himmel").

#### **Regarding claims 6 and 15**

Levac does not teach identifying a type of wireless device includes identifying one or more of a (i) manufacturer of the device, and (ii) a browser type of the device.

However, Himmel teaches identifying a type of wireless device includes identifying one or more of a (i) manufacturer of the device, and (ii) a browser type of the device (see col. 8 lines 30-38) for the purpose of supporting a multitude of different client devices for an Internet application (see col. 2 lines 14-16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the system of Himmel with the system of Levac because it would provide for the purpose of supporting a multitude of different client devices for an Internet application.

#### **Regarding claim 7**

Himmel teaches deriving from the selected device profile information about characteristics of a display of the wireless device (see col. 2 lines 36-51).

#### **Regarding claim 8**

Himmel teaches deriving from the select device profile one or more of (i) information about a dimension of the display, and (ii) information about any soft keys carried on the display of the device (see col. 6 lines 18-27).

#### **Regarding claim 16**

Himmel teaches device objects that provide information relating to characteristics about a display of the given device (see col. 2 lines 36-51).

**Regarding claim 17**

Himmel teaches the characteristics about the display of the device include height and width of the display in pixels (see col. 6 lines 18-27).

**Regarding claim 18**

Himmel teaches the characteristics about the display of the device include soft keys carried on the display of the given device (see col. 6 lines 18-27).

**Regarding claim 23**

Levac and Himmel do not specifically disclose an encryption means for encrypting data received from a wireless source. "Official Notice" is taken for both the concept and advantages of encrypting data in wireless devices is well known and expected in the art. U.S. Patent No. 6,167,426 to Payne et al. relates to transmission and reception of contact attempt messages between wireless receiver and a user computing device where messages are encrypted (see col. 3 lines 25-42). It would be obvious to one of ordinary skill in the art to include encrypted messages for security purposes during message transmission.

**Regarding claim 24**

Himmel teaches an object generator for generating a device object from the device profile (see col. 9 lines 1-6).



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9. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,872,926 (“Levac”).

**Regarding claim 22**

Levac teaches the received request is received at a connector server (see col. 4 lines 47-56, “message server 14”) but does not specifically disclose encrypting received data. “Official Notice” is taken for both the concept and advantages of encrypting data in wireless devices is well known and expected in the art. U.S. Patent No. 6,167,426 to Payne et al. relates to transmission and reception of contact attempt messages between wireless receiver and a user computing device where messages are encrypted (see col. 3 lines 25-42). It would be obvious to one of ordinary skill in the art to include encrypted messages for security purposes during message transmission.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*

A handwritten signature in black ink, appearing to read 'Thomas Pham', with a long horizontal flourish extending to the right.

January 9, 2006